

September 16, 2019

**OFFICE OF
APPELLATE COURTS**

want to hear, or did not fit into his own narrative was becoming clear.

DEFENDANTS' FALSE AND DEFAMATORY STATEMENTS

56. In October 22, 2015, Ms. MacDonald sporadically texted Defendant Brodkorb with a photo of her with Governor Mark Dayton, where she was accepting an award, informing him that *"Governor signed a family law bill which was the result of the custody/parenting time dialogue group, a circle process with a facilitator and consumers, lawyers, legislators, mediators, judges, educators, custody evaluators... you name it. It was a two year process I have been actively involved in,"* referring to her involvement in a custody/parenting time dialogue group. Ms. MacDonald sent another picture of her with the Governor, Representative Peggy Scott and a few others in the group.

57. Rather than acknowledging the accomplishment of Ms. MacDonald and the dialogue group as news, Brodkorb reacted by replying via text: *"Peggy Scott was not aware you were a 'person of interest' in a case involving missing kids."* Apparently, Brodkorb contacted and told several others this false report in person, as he also texted *"Many I spoke with today did not feel it was appropriate for you to attend, as police do wish to question you about your involvement with the disappearance of two missing girls."* Ms. MacDonald reprimanded and corrected Brodkorb.

58. On February 16, 2016, Brodkorb falsely reported in a tweet that Ms. MacDonald had a DUI conviction, and that it was upheld by the Court of Appeals. In fact, Ms. MacDonald had been acquitted of DUI.

59. After reprimands from Ms. MacDonald, Brodkorb may have ceased the defamatory remarks and posts for several months, until he started doing business as Missing in Minnesota, in June 2016, joined by Allison Mann, in May 2017, as described below.

Reporter Mike Br...
Mobile

You assisted the Dahlens in preparing their petition in juvenile court... but when I asked you at the hearing if you were helping the Dahlens, you said no... how do you reconcile the two positions?

2/16/16 6:02 PM

Fwd: @mbrodkorb: RT
@chanenstrib: The DWI conviction of former state Supreme Court candidate Michelle MacDonald was upheld Tuesday by court of appeals.

I did not get convicted if a DUI.
Please get the facts straight and retract this , material omissions will not be tolerated.

3/29/16 5:26 PM

I'm working on a post on judicial candidates in '16. You still plan on running for Supreme Court

+ Type a message...



Page 3 of Judge's Order.

MEMORANDUM

Plaintiffs' Amended Complaint for Defamation claims MacDonald's reputation has been damaged by statements made by Defendants. Plaintiffs allege three actionable false statements by Defendants: (1) that MacDonald was a "person of interest" in the disappearance of two children; (2) that an unflattering photograph of MacDonald was published to appear "as if a mugshot;" and (3) that MacDonald was convicted of driving under the influence. Plaintiffs move for default judgment and Defendants seek summary judgment on both counts 1 and 2 of the Amended Complaint. For the reasons set forth herein, the Court denies Plaintiffs' motion for default judgment and grants Defendants' motion for summary judgment.

PROCEDURAL BACKGROUND

On June 14, 2018, Plaintiffs served their original Complaint for Defamation on Defendants. In their Complaint, Plaintiffs alleged that Defendants violated provisions of the Society of Professional Journalists' Code of Ethics by defaming McDonald. Plaintiffs assert claims of Defamation and Defamation Per Se in Count 1, and Defamation by Implication in Count 2. Plaintiffs' filed their Complaint in Ramsey County District Court on June 18, 2018 (the "Ramsey County case").

On June 15, 2018, Plaintiffs filed an identical Complaint for Defamation in Dakota County District Court (File No. 19HA-CV-18-2643) (the "Dakota County case"). On June 18, 2018, Plaintiffs filed a proposed order for a change of venue to Ramsey County District Court. Four days later, on June 22, 2018, Plaintiffs filed a letter notifying the Dakota County District Court that the case had been e-filed and accepted in Dakota County District Court in error. That same day, June 22, 2018, Defendants filed a letter in Dakota County opposing Plaintiff's request to change venue. On July 10, 2018, Plaintiffs filed a notice to dismiss the Dakota County case

MACDONALD LAW FIRM, L.L.C.

Mailing & Delivery
1069 So. Robert Street
W. St. Paul, MN 55118
Main: (651) 222-4400
Fax: (651) 222-1122
www.MacDonaldLawFirm.com

June 22, 2018

Dakota County Court
Attn: Court Administrator
1560 Highway 55
Hastings, Minnesota 55033

Re: In Re: Michelle L. MacDonald vs. Michael Brodtkorb
Dakota County Court File No: 19-11A-CV-18-2643

Dear Court Administrator:

The above case was e-filed, and accepted by Dakota County District Court, in error. Once the error was determined, a proposed order to correct the error was requested by June Baldwin, and the case was filed in Ramsey County as intended as follows:

In Re: Michelle L. MacDonald, MacDonald Law Firm, L.L.C. vs. Michael Brodtkorb,
Missing In Minnesota, L.L.C.
Ramsey County Court File No.: 62-CV-18-4145

Judge David C. Higgs has been assigned in Ramsey. The Complaint, Confidential Source Document, and Affidavits of Personal Service are captioned in Ramsey County, where the defendant Missing In Minnesota, L.L.C. is registered.

We are awaiting a determination by the Dakota County District Court to correct the error by signing the proposed order that was requested. Otherwise, the case filed in Dakota County can be promptly dismissed.

Thank you for your consideration in this matter.

Very truly yours,

MACDONALD LAW FIRM, L.L.C.

Hebbie A. Simpson
Paralegal

DAS/ms

cc: Nathan Hanson (via Odyssey e-serve)
Mediation / Arbitration
Retainer
Answer
MAY 15 2018

Saint Paul & Suburbs ♦ 1069 So. Robert Street ♦ W. St. Paul, MN 55118
Minneapolis & Suburbs ♦ 3800 American Blvd. W. Suite 1500 ♦ Bloomington, MN 55431
Stillwater & Surroundings ♦ 6351 St. Croix Trail ♦ Stillwater, MN 55082

EXHIBIT 4

A.60